STATE OF NEW YORK

S. 8385 A. 10508

SENATE - ASSEMBLY

May 4, 2018

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. PALUMBO -- read once and referred to the Committee on Local Governments

AN ACT to authorize the town of Brookhaven, county of Suffolk, to alienate certain parklands and to dedicate other lands as parklands

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subject to the provisions of this act, the town of Brookhaven, county of Suffolk, is hereby authorized to discontinue and alienate as parklands the lands described in section three of this act.

§ 2. The authorization provided in section one of this act shall be effective only upon the condition that the town of Brookhaven dedicate the lands described in section four of this act as parklands.

§ 3. The parklands authorized by section one of this act to be alienated as parklands is described as follows:

All that certain plot, piece, or parcel of land, situate, lying and being in Shoreham, Town of Brookhaven, County of Suffolk, State of New York, and being part of a Lot for Open Space on the "Survey of Proposed Open Space, Middlecross Estates, Section 2" prepared by Henderson and Bodwell and dated November 6, 1995, and also as shown on a map entitled "Map 1 - Land Use Swap," prepared by L.K. McLean Associates, dated September 25, 2017; said property being more particularly bounded and described as follows:

Beginning at a point formed by the intersection of the easterly boundary line of Ridge Road with the southerly boundary line of Radford Street (not open); said point being the following two (2) bearing and distances from the northerly terminus of a curve joining the said easterly boundary line of Ridge Road with the northerly boundary line of Framingham Lane:

1. North 18° 16' 00" East, a distance of 107.21 feet to a point; thence

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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2. North, 16° 41' 41" East, a distance of 444.33 feet to the point of beginning;

Thence, from said point of beginning, South 88°21'40" East, along the said southerly boundary line of Radford Street (not open), a distance of 119.69 feet to a point on the westerly boundary line of Portman Avenue (not open);

Thence, South 1°38'20" West, along said westerly boundary line, a distance of 193.13 feet to a point;

Thence, North 88°21'40" West, through the said Lot for Open Space, a distance of 171.64 feet to a point on the first mentioned easterly boundary line of Ridge Road;

Thence, North 16°41'41" East, along said easterly boundary line, a distance of 200.00 feet to the point or place of beginning.

Subject parcel area being 28,133 square feet or 0.646 acre, more or less.

Part of Suffolk County Tax Map No. 0200-125.00-05.00-001.001.

§ 4. Prior to the discontinuance and alienation of the parklands described in section three of this act, the town of Brookhaven shall dedicate as parklands such land described as follows:

All that certain plot, piece, or parcel of land, situate, lying and being in Shoreham, Town of Brookhaven, County of Suffolk, State of New York, being known as Lots 833 through 840 inclusive, Lots 921 through 928 inclusive, Lots 953 through 957 inclusive, part of Portman Avenue (not open) and part of Villa Street (not open) on a map entitled "Map of Shoreham Heights Park, Section C" filed in the Suffolk County Clerk's Office on February 13, 1908 as File Map No. 543, and also as shown on a map entitled "Map 3 - Land Use Swap," prepared by L.K. Mclean Associates, dated September 25, 2017; said property being more particularly bounded and described as follows:

Beginning at a point formed by the intersection of the proposed line for land use conveyance with the westerly boundary line of Portman Avenue (not open); said point being the following four (4) bearings and distances from the northerly terminus of a curve joining the said easterly boundary line of Ridge Road with the northerly boundary line of Framingham Lane:

1. North 18° 16' 00" East, along said easterly boundary line of Ridge Road, a distance of 107.21 feet to a point; thence

2. North 16° 41' 41" East, continuing along said easterly boundary line, a distance of 444.33 feet to a point in the southerly boundary line of Radford Street (not open); thence

3. South 88° 21' 40" East, along said southerly boundary line, a distance of 119.69 feet to a point on the first mentioned westerly boundary line of Portman Avenue (not open); thence

4. South 1° 38' 20" West, along said westerly boundary line, a distance of 193.13 feet to the point of beginning;

Thence, from said point of beginning, North 88° 21' 40" West, through the bed of Portman Avenue (not open), a distance of 43.00 feet to a point on the westerly boundary line of land now or formerly Union Free School District No. 10;

Thence, along said westerly boundary line of Union Free School District No. 10 the following two (2) bearings and distances:

1. South 1° 38' 20" West, a distance of 106.87 feet to a point;

2. South 88° 21' 40" East, a distance of 207.00 feet to a point on the westerly boundary line of Pulaski Avenue (not open);

Thence, South 1° 38' 20" West, along said westerly boundary line, a distance of 250.00 feet to a point on the northerly boundary line of Lot

29 on Map of Middlecross Estates, Section 3, filed February 8, 1996 in the Suffolk County Clerk's Office as File Map No. 9803;

Thence, North 88° 21' 40" West, along said northerly boundary line, a distance of 350.00 feet to a point on the easterly line of Lot 30 of said File Map No. 9803;

Thence, North 1° 38' 20" East, along said easterly boundary line, a distance of 250.00 feet to a point on the southerly boundary line of land now or formerly of Town of Brookhaven (Open Space);

Thence, South 88° 21' 40" East, along said southerly boundary line, a distance of 100.00 feet to a point on the easterly boundary line of said land now or formerly of Town of Brookhaven (Open Space);

Thence, North 1° 38' 20" East, along said easterly boundary line, a distance of 106.87 feet to the point or place of beginning.

Subject Parcel area being 92,085 square feet or 2.114 acres, more or less.

Part of Suffolk County Tax Map Nos. 0200-125.00-02.00-046.001 and 046.002.

§ 5. In the event that the fair market value of the parklands described in section four of this act to be dedicated as parklands by the town of Brookhaven pursuant to this act are not equal to or greater than the fair market value of the parklands described in section three of this act being alienated as parklands, the town of Brookhaven shall dedicate the difference of the fair market value of the lands to be alienated and the lands to be dedicated for the acquisition of additional parklands and/or capital improvements to existing park and recreational facilities.

§ 6. In the event that the town of Brookhaven received any funding support or assistance from the federal government for the purchase, maintenance or improvement of the parklands set forth in section three of this act, the discontinuance and conveyance of parklands authorized by the provisions of this act shall not occur until the town of Brookhaven has complied with any federal requirements pertaining to the alienation or conversion of parklands, including satisfying the secretary of the interior that the alienation or conversion complies with all conditions which the secretary of the interior deems necessary to assure the substitution of other lands shall be equivalent in fair market value and recreational usefulness to the lands being alienated or converted.

§ 7. This act shall take effect immediately.